

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DARREN MICHAEL WRIGHT,

Plaintiff,

v.

DR. BRIAN WALKER and JOSHUA
LONG,

Defendants.

NO: 4:20-CV-5026-TOR

ORDER OF DISMISSAL WITHOUT
PREJUDICE

BEFORE THE COURT is the Order to Comply with Filing Fee Requirements. ECF No. 6. The Court has reviewed the record and files herein and is fully informed. For the reasons discussed below, this action is dismissed without prejudice.

On February 12, 2020, Plaintiff, a prisoner at the Monroe Correctional Complex, filed a *pro se* civil rights complaint without paying the filing fee. ECF No. 1. His *in forma pauperis* application was insufficient and Plaintiff did not

1 comply with 28 U.S.C. § 1915(a)(2), which requires a prisoner seeking to bring a
2 civil action without prepayment of the filing fee to submit a certified copy of his
3 trust fund account statement (or institutional equivalent) for the **six months**
4 immediately preceding the filing of the complaint. Plaintiff was advised of these
5 deficiencies, ECF No. 3, but failed to cure them. He has filed nothing further in this
6 action.

7 Plaintiff was advised that before the Court may proceed with his civil action,
8 he must either pay the applicable fee of \$400.00 (\$350.00 filing fee, plus \$50.00
9 administrative fee) or comply with the *in forma pauperis* statute. ECF No. 6.
10 Plaintiff was further advised that failure to do either within 21 days would result in
11 the dismissal of this case. *Id.* No filing fee has been paid nor sufficient *in forma*
12 *pauperis* application filed.

13 Parties filing actions in the United States District Court are required to pay
14 filing fees. 28 U.S.C. § 1914(a). An action may proceed without the immediate
15 payment of a filing fee only upon granting of *in forma pauperis* status. *See* 28 U.S.C.
16 § 1915. Failure to pay the statutory filing fee will result in dismissal of these actions
17 without prejudice. *See Olivares v. Marshall*, 59 F.3d 109, 112 (9th Cir. 1995)
18 (district court has authority to dismiss without prejudice prisoner complaint for
19 failure to pay partial filing fee); *In re Perroton*, 958 F.2d 889, 890 (9th Cir. 1992)

1 (affirming dismissal of appeal of pro se litigant for failure to pay required filing
2 fees).

3 **ACCORDINGLY, IT IS HEREBY ORDERED:**

4 This action is **DISMISSED** without prejudice for failing to pay the filing fee
5 or filing a properly completed Declaration and Application to Proceed *In Forma*
6 *Pauperis* pursuant to 28 U.S.C. §§ 1914(a) and 1915(a).

7 The District Court Clerk is directed to enter this Order, enter judgment
8 accordingly, furnish a copy to Plaintiff at his last known address, and **CLOSE** the
9 file. The Court certifies any appeal of this dismissal would not be taken in good
10 faith.

11 **DATED** May 14, 2020.



15
16
17
18
19
20

A handwritten signature in blue ink that reads "Thomas O. Rice".

THOMAS O. RICE
Chief United States District Judge